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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,311

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Akira Anami

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,311

Applicant(s)

ANAMI ET AL.

Examiner

Jill E. Culler

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on August 14, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030814, 20040109.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: There are numerous grammatical errors throughout the specification. For example, on page 2, lines 21 and 25, it appears that the word “envelops” should be “envelopes” instead. Also on page 2, line 25, the phrase “feed being bent” is not grammatically proper. On page 3, line 9, it appears that “recoding” should be “recording” instead. On page 4, line 8, the phrase “during performing printing” is not grammatically proper. On page 6, line 22, the phrase “by one at a time” is used in a grammatically confusing context. On page 7, line 1, the phrase “provided at a downstream” is not grammatically proper. These and similar errors should be addressed throughout the specification. The examiner suggests a substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b). The substitute specification filed must be accompanied by a statement that it contains no new matter.

Appropriate correction is required.

Claim Objections

2. Claims 3-11 and 13-15 are objected to because of the following informalities: In claim 3, on lines 4-5, the phrase “by one at a time” is not grammatically proper.

In claim 3, on lines 9-14, the recitation of a “discharging roller” comprising a “discharging driven roller” and a “discharge driving roller” is confusing, as typically a roller is a singular object, and the structure described would be considered a roller pair.

In claim 3, on line 19, it appears that the word "a" after "straight" is unnecessary.

In claim 4, on line 5, the phrase "by one at a time" is not grammatically proper.

In claim 4, on lines 9-14, the recitation of a "discharging roller" comprising a "discharging driven roller" and a "discharge driving roller" is confusing, as typically a roller is a singular object, and the structure described would be considered a roller pair.

In claim 4, on line 27, the phrase "in the same direction" does not follow a recitation of an original direction for comparison.

In claim 7, on line 2, it appears that "comprising" should be "comprises" instead.

In claim 7, on lines 3 and 8, it is not clear what structure is referred to by the "lever sub" as this is not a standard structural term.

In claim 7, on line 7, it appears that "rotate" should be "rotating" instead.

In claim 9, on line 3, there appears to be text missing between "be in" and "contact".

In claim 13, on line 6, it appears that "to" should be "on" instead.

In claim 15, on lines 2-3, 5-6 and throughout the claim, the phrase "medium to be liquid-ejected" is not grammatically proper, as the medium itself is not being ejected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, the first position and second position are opposite of the positions claimed elsewhere and described in the specification. Here, the first position has the rollers in contact with each other, where elsewhere they are separated in the first position. Likewise, the second position has them separated, where elsewhere they are in contact. As claimed, this invention would not operate as described. For the sake of prosecution, the examiner has assumed that this is merely an oversight on the part of the applicant and has examined the claim as described in the specification. The language of the claim, however, must be corrected, or the actual nature of the claim clarified.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,619,796 to Rasmussen et al. in view of EP 0620118 to Yasuoka.

With respect to claim 1, Rasmussen et al. teaches a recording apparatus comprising: a recording head, 12, for ejecting material onto a recording medium, 19,

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see column 3, lines 48-56, and a medium discharging driven roller, 30, disposed in a medium transfer path on a recording side of the recording medium. See column 4, lines 52-60.

Rasmussen et al. does not teach a recording medium stacker for stacking the recording medium on which recording is performed, said stacker being operably associated with said medium discharging driven roller, and said stacker being operated to change between a first position where said medium discharging driven roller is positioned out of the medium transfer path and a second position where said medium discharging driven roller is positioned within the medium transfer path.

Yasuoka teaches a recording medium stacker, 9, for stacking the recording medium on which recording is performed, said stacker being operably associated with a medium discharging driven roller, 11b, and said stacker being operated to change between a first position where said medium discharging driven roller is positioned out of the medium transfer path and a second position where said medium discharging driven roller is positioned within the medium transfer path. See column 8, lines 3-48.

It would have been obvious to one having ordinary skill in the art to use the recording medium stacker of Yasuoka with the apparatus of Rasmussen et al. in order to receive the printer output in different positions.

With respect to claim 2, Rasmussen et al. teaches a recording apparatus comprising: a recording head, 12, for ejecting liquid onto a first and a second recording medium, 12, see column 3, lines 48-58, and a medium discharging driven roller, 30, disposed in a medium transfer path;

Rasmussen et al. does not teach a recording medium stacker operably associated with said medium discharging driven roller, said stacker being operated to change between a first position where recording is performed on the first medium in a non-contact state with said medium discharging driven roller and a second position where recording is performed on the second medium in a contact state with said driven roller.

Yasuoka teaches a recording medium stacker operably associated with said medium discharging driven roller, said stacker being operated to change between a first position where recording is performed on the first medium in a non-contact state with said medium discharging driven roller and a second position where recording is performed on the second medium in a contact state with said driven roller. See column 8, lines 3-48.

It would have been obvious to one having ordinary skill in the art to use the recording medium stacker of Yasuoka with the apparatus of Rasmussen et al. in order to print on two recording media and receive the printer output in different positions.

With respect to claims 3 and 15, Rasmussen et al. teaches a recording apparatus, which is also a liquid ejection apparatus, comprising: a recording medium feeding mechanism 24, 26, see column 4, lines 52-65, for feeding a recording medium including a hard recording medium and a non-hard recording medium in a recording medium transfer path, see column 3, lines 56-58, a recording head, 12, provided at a downstream of said recording medium feeding apparatus performing recording on the recording medium at a record performing area, 17, see column 3, lines 48-56, and a

discharging roller pair provided in the medium transfer path at a downstream of said recording head, comprising a discharging driven roller, 30, provided to a recording side of the recording medium and a discharge driving roller, 28, provided to a non-recording side of a recording medium, for discharging the medium on which recording is performed.

Rasmussen et al. does not teach a recording medium stacker having a recording medium stacking surface operated to change between a first position where said discharging driven roller is separated from the recording medium transfer path, said first position constituting a straight medium feeding and/or discharging path extending between said recording medium stacking surface and said record performing area, said first position is selected when recording is performed on the hard recording medium, and the hard recording medium being transferred back and forth in said medium feeding and/or discharging path, and a second position where said discharging driven roller is in contact with said discharge driving roller and the recording medium is discharged and stacked, said second position is selected when recording is performed on the non-hard recording medium fed by said recording medium feeding mechanism.

Yasuoka teaches a recording medium stacker having a recording medium stacking surface, 9, operated to change between a first position where said discharging driven roller is separated from the recording medium transfer path, said first position constituting a straight medium feeding and/or discharging path extending between said recording medium stacking surface and said record performing area, said first position is selected when recording is performed on the hard recording medium, and the hard

recording medium being transferred back and forth in said medium feeding and/or discharging path, and a second position where said discharging driven roller is in contact with said discharge driving roller and the recording medium is discharged and stacked, said second position is selected when recording is performed on the non-hard recording medium fed by said recording medium feeding mechanism. See column 8, lines 3-48.

It would have been obvious to one having ordinary skill in the art to use the recording medium stacker of Yasuoka with the apparatus of Rasmussen et al. in order to print on two recording media and receive the printer output in different positions.

Allowable Subject Matter

7. Claims 4-12 would be allowable if rewritten to take into account the claim objections stated above. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or render obvious a recording apparatus as claimed, particularly including a paper discharging frame for supporting a paper discharging driven roller, and a link mechanism for changing a position of said paper discharging frame by setting the position of the recording medium stacker.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,731,829 to Saito et al., U.S. Patent No. 5,818,487 to Yoshimura et al., U.S. Patent No. 5,870,127 to Koike et al., and U.S. Patent No. 6,152,561 each teach an apparatus having obvious similarities to the claimed subject matter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec


Daniel J. Colilla
Primary Examiner
Art Unit 2854